



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

**8. Waters and Water Courses (§ 138\*)—Right to Divert Water as against Upper Owners Not Obtainable by Prescription.**—A lower riparian owner's diversion of water can confer no right thereto by prescription as against upper owners, as no cause of action ever arises in favor of upper owners so as to commence the running of the prescriptive period.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 312, 313.]

**9. Waters and Water Courses (§ 152 (3)\*)—Town Having Prescriptive Right to Divert Water May Enjoin Diversion by Upper Owner.**—A town owning but one acre of riparian land, but which, by its adverse collection, dominion, and control of all the water of a stream, has acquired, as against lower owners, a prescriptive right to divert the water to its exclusive use, may enjoin an upper owner from diverting the water to nonriparian lands in such quantity as will in any degree diminish the quantity; it appearing that it would be substantially damaged in times of drought, and that its exclusive right would eventually be barred pro tanto by prescription, if such diversion was permitted.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 309.]

Other material matters are referred to in the opinion of the court.

*Shackelford & Robertson*, of Orange, for appellant.

*McGuire, Riely, & Eggleston*, of Richmond, for appellee.

---

RICHMOND CEDAR WORKS et al. v. HARPER et al.

March 17, 1921.

[106 S. E. 518.]

**1. Appeal and Error (§ 1\*)—Appeal Does Not Lie unless Jurisdiction to Entertain Is Conferred by Constitution or Statute.**—An appeal from the decision of an inferior court or from a special tribunal organized for a special purpose does not lie unless jurisdiction to entertain such appeal is conferred by Constitution or statute.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 476.]

**2. Master and Servant (§ 417 (4½)\*)—Compensation Case Not Reviewable after Time Limit.**—Under Workmen's Compensation Act, § 61, there can be no appeal from a decision of the Commission after the 30 days allowed therefor have expired.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 696.]

**3. Master and Servant (§ 416½\*)—New, Vol. 11A Key-No. Series—Enforcement of Compensation Award Provided for by Act.**—Work-

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

men's Compensation Act, § 62, was enacted to provide a means not only of enforcing an award which had been affirmed on appeal, but also all the final awards of the Commission from which there has been no appeal, as well as all agreements, between the parties approved by the Commission.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 476.]

**4. Master and Servant (§ 417 (1)\*)—Supreme Court of Appeal without Jurisdiction of Appeal from Industrial Commission.**—The Supreme Court of Appeals is without jurisdiction to entertain an appeal from the Industrial Commission's award, unless possibly under Const. 1902, § 88, where a constitutional question is raised, or there is an attempt to exceed jurisdiction justifying exercise of original jurisdiction to issue the writ of prohibition; the Workmen's Compensation Act, §§ 61 and 62, providing exclusive remedies for review, notwithstanding the general provisions in Code 1919, § 6336, for appeals.

[Ed. Note.—For other cases, see 16 Va.-W. Va. Enc. Dig. 881.]

Error to Circuit Court, Norfolk County.

Proceedings under the Workmen's Compensation Act by Mary Lucy Harper and others against the Richmond Cedar Works, employer, and the Liberty Mutual Insurance Company, insurance carrier, to recover compensation for the death of Leroy Harper, employee. Compensation was adjudged, and employer and insurance carrier bring error. On motion to dismiss the writ of error. Dismissed for lack of jurisdiction.

*Venable, Miller, Pilcher & Parsons*, of Norfolk, and *Varney S. Ward*, of Richmond, for plaintiffs in error.

*J. W. Wilcox*, for defendants in error.

---

ROBERTSON'S EX'R *v.* ATLANTIC COAST REALTY CO.

March 17, 1921.

[106 S. E. 521.]

**1. Witnesses (§ 183½\*)—New, Vol. 9 Key-No. Series—Agent of Plaintiff Corporation Held Not "Adverse or Interested Party" under Statute in Action against Executor.**—In an action by a realty company for breach of a parol contract whereby it was to have the exclusive sales privilege of land owned by defendant's decedent, plaintiff's agent held not an "adverse or interested party" within Code 1919, § 6209, so as to require corroboration of his testimony, he being competent at common law, and not rendered incompetent by the

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.